

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	MB Docket No. 14-82
	)	
<b>PATRICK SULLIVAN</b>	)	FRN 0003749041, 0006119796,
(Assignor)	)	0006149843, 0017196064
	)	
and	)	Facility ID No. 146162
	)	
<b>LAKE BROADCASTING, INC.</b>	)	File No. BALFT-20120523ABY
(Assignee)	)	
	)	
Application for Consent to Assignment of	)	
License of FM Translator Station W238CE,	)	
Montgomery, Alabama	)	

To: Marlene H. Dortch, Secretary  
Attn: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S MOTION  
CONCERNING EXPERT WITNESS DOCUMENTATION**

1. During the November 17, 2016 Status Conference, the Presiding Judge ordered the Enforcement Bureau (Bureau) to produce, by November 30, 2016, the documents that Lake Broadcasting, Inc. (Lake) had requested concerning the qualifications of one of the Bureau's witnesses, Ms. Tammy Gremminger, a parole and probation officer with the Missouri Department of Corrections. Despite repeated attempts to reach Ms. Gremminger, the Bureau had not heard back from her by the November 30 deadline and requested an extension until December 15, 2016 to produce the requested documentation.<sup>1</sup> The Presiding Judge granted the Bureau's request for an extension.<sup>2</sup>

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<sup>1</sup> See Enforcement Bureau's Request for Extension to Provide Expert's Documentation, filed Nov. 30, 2016.

<sup>2</sup> See Order, FCC 16M-34 (ALJ, rel. Dec. 2, 2016).

2. The Bureau continued its attempts to contact Ms. Gremminger, but when she had not replied to the Bureau's requests by the week of December 5, counsel for the Bureau contacted one of her colleagues. This colleague informed the Bureau that apparently someone claiming to represent Mr. Rice had threatened to pursue legal action against Ms. Gremminger if she continued to participate in the Commission's hearing process. As a result, Ms. Gremminger was forced to contact legal counsel at the Missouri Department of Corrections and was instructed to have no further contact with the Bureau until their investigation of the matter was resolved. As a result, the Bureau will not be in a position to produce the expert documentation requested of Ms. Gremminger by the Presiding Judge's December 15, 2016 deadline.

3. This development is deeply troubling to the Bureau. Ms. Gremminger graciously volunteered her time and her twenty-three years of experience in local law enforcement working with sex offenders to provide evidence in this case concerning Mr. Rice's risk of recidivism. The Bureau believes this evidence will be of considerable value to the Presiding Judge and his staff as they consider the issues presented. She also provided documents regarding Mr. Rice's character that the Bureau expects will assist the Presiding Judge in determining whether Mr. Rice has been rehabilitated. The Bureau's inability to contact Ms. Gremminger concerning her testimony and to authenticate the documents she provided jeopardizes the Bureau's ability to prepare its case for trial. More importantly, if Mr. Rice, or someone associated with him (at his direction), has threatened a Bureau witness, it raises additional concerns about his qualifications to hold a Commission license and may necessitate re-opening the discovery period for the Bureau to conduct a thorough investigation.

4. Accordingly, for the reasons articulated above, the Bureau respectfully requests a stay of the Presiding Judge's *Order* requiring production of Ms. Gremminger's qualification

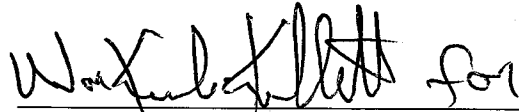
documentation and of the deadlines set forth in the *Prehearing Order*.<sup>3</sup> With the holidays quickly approaching, it is unlikely the issues regarding Ms. Gremminger will be resolved in enough time for the Bureau to prepare its written direct testimony and direct case exhibit list by February 3, 2017. The Bureau has reached out to the Missouri Department of Corrections in an effort to find out who is handling their investigation of the apparent attempts to intimidate Ms. Gremminger. Once the Bureau has been able to determine whether – and when – Ms. Gremminger will be able to continue working with the Bureau concerning the instant case, the Bureau will immediately file a status report so the Presiding Judge can determine how best to proceed.

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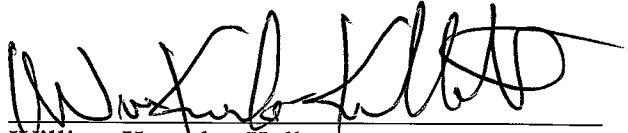
<sup>3</sup> See *Prehearing Order*, FCC 16M-32 (ALJ, rel. Nov. 21, 2016).

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau

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Gary Oshinsky  
Attorney  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

A handwritten signature in black ink, appearing to read "W. Knowles-Kellett", written over a horizontal line.

William Knowles-Kellett  
Attorney  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street SW, Room 4-C330  
Washington, D.C. 20554  
(202) 418-1420

December 12, 2016

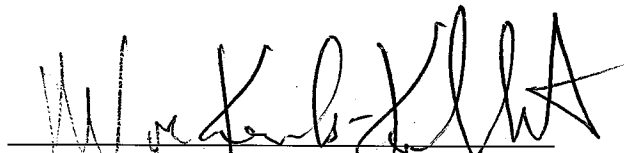
**CERTIFICATE OF SERVICE**

William Knowles-Kellett, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certifies that he has on this 12th day of December, 2016, sent by first class United States mail and by email copies of the foregoing ENFORCEMENT BUREAU'S MOTION CONCERNING EXPERT WITNESS DOCUMENTATION to:

Jerold L. Jacobs, Esq.  
Law Offices of Jerold L. Jacobs  
1629 K Street, N.W., Suite 300  
Washington, DC 20006  
[jerold.jacobs.esq@verizon.net](mailto:jerold.jacobs.esq@verizon.net)  
Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

And caused a copy of the foregoing to be served via hand-delivery to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-C861  
Washington, DC 20554

  
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William Knowles-Kellett